

In re Patent Application of:

MAY ET AL.

Serial No. 10/790,479

Filing Date: **MARCH 1, 2004**

REMARKS

The Examiner is thanked for the thorough examination of the present application. In view of the arguments presented below, it is respectfully that all of the claims are patentable.

I. The Claimed Invention

As recited in independent Claim 1, for example, the present invention is directed to a mobile wireless cellular communications device that includes a wireless cellular transceiver and a controller for cooperating therewith for receiving text messages from a wireless communications network, and a headset output connected to the controller. The controller is for switching between a normal message mode and a hands-free audio message mode based upon a connection between the headset output and a headset, and when in the audio message mode, outputting at least one audio message comprising speech generated from at least one of the received text messages via the headset output. Moreover, the controller is settable to an override mode in which the controller remains in the audio message mode irrespective of a connection between the headset output and the headset.

Independent Claim 9 is directed to a related cellular communications system, independent Claim 16 is directed to a related method for using a mobile wireless cellular communications device, and independent Claim 20 is directed to a related computer-readable medium.

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II. The Claims Are Patentable

The Examiner rejected independent Claims 1, 9, 16, and 20 under 35 U.S.C. §103(a) based upon U.S. Patent No. 6,181,956 to Koskan in view of U.S. Patent No. 7,027,842 to Zhang et al., in still further view of U.S. Patent No. 6,735,453 to Bobisuthi et al. Koskan discloses a communications device (i.e., cell phone) to be worn by a user that is coupled to an earpiece by a communication link. The communications device is operable in first and second operating modes. When in the first operating mode, the device receives and presents text-based messages in human readable form to the user via a user interface. When in the second operating mode, the received message is converted to audible form using a text-to-speech synthesizer and presented to the user via the earpiece. In one embodiment, the base device automatically switches to the second operating mode based upon a characteristic of the received message, such as a keyword present in the received message or an indication of the message type. See, e.g., col. 1, line 62 through col. 2, line 6 and col. 2, line 64 through col. 3, line 15 of Koskan.

Zhang et al. is directed to an apparatus and method for providing hands-free operation of a device. A hands-free adapter is provided that communicates with a device and a headset. The hands-free adapter allows a user to use voice commands so that the user does not have to handle the device. The hands-free adapter receives voice commands from the headset

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and translates the voice commands to commands recognized by the device. The hands-free adapter also monitors the device to detect device events and provides notice of the events to the user via the headset. See, e.g., col. 1, line 53 through col. 3, line 31 of Zhang et al.

While the Examiner correctly acknowledges that Koskan and Zhang et al. fail to properly provide the claimed recitation of selectively setting the mobile wireless communications device (or controller) to an override mode in which the mobile wireless communications device (or controller) remains in the audio message mode irrespective of a connection between the headset output and the headset, the Examiner contends that Bobisuthi et al. somehow properly provides this noted deficiency. This reference discloses a headset storage device that includes a headset cradle, a switch, and a manual override device. The headset cradle has two positions: a first position when the headset cradle is supporting a headset, and a second position when the headset cradle is not supporting a headset. The switch couples the audio signal to the alternate audio system (e.g., PC speakers) when the headset cradle is in the first position and to the headset when the headset cradle is in the second position. The manual override device forces the headset cradle into one of the two positions regardless of whether the headset cradle is supporting a headset. See, e.g., col. 2, lines 35-67 of Bobisuthi et al.

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The Examiner points to col. 3, lines 62-63 and col. 7, line 65 - col. 8, line 4 as support for the above-noted contention. These passages are reproduced below:

"The manual override allows the user to force the connection to either the headset or the alternate audio system regardless of whether a stored headset is detected."

"As depicted in FIG. 8c, when the headset cradle 300 is in the speaker portion 404 of the manual override device 302, the flexible paddle 702 is forced to press the activation button 318 of the switch 304. In this case, the system 100, 200 maintains a connection to the alternate audio system regardless of whether the headset 106 is being stored."

However, as both of the above-noted passages make clear, the manual override mode of Bobisuthi et al. manually sets the device to an audio system output or headset system output regardless of whether the a headset physically rests upon the headset cradle. That is, Bobisuthi et al. does not detect whether a headset is actually connected to the PC headphone output, etc., to determine which output mode is appropriate, but rather it detects whether the headset is physically resting on

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the cradle to make this determination. In other words, connection of the headset to the PC audio output has no effect on audio mode switching in the Bobisuthi et al. device either before or after the device is in manual override mode, as the device is always connected to the PC audio output (i.e., it is an adapter that allows for sharing of the single PC audio headset output between speakers and a headset).

Accordingly, the proposed combination of references simply fails to properly provide switching between a normal message mode and a hands-free audio message mode based upon a headset connection, and also setting the mobile wireless communications device (or controller) to an override mode in which the mobile wireless communications device (or controller) remains in the audio message mode irrespective of a connection between the headset output and the headset. To find otherwise would require the impermissible use of the claimed invention, in hindsight, as a road map or template to piece together the disjoint teachings of the prior art.

Accordingly, it is respectfully submitted that independent Claims 1, 9, 16, and 20 are patentable over the prior art. Their respective dependent claims, which recite still further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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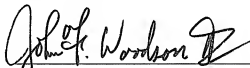
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CONCLUSIONS

In view of the foregoing, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities remain to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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